How to Build Trust in a Mediation System when Distrust Abounds

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The federal government supports states’ trust-building, collaboration, and group decision-making through IDEA.
CADRE Continuum

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Developed by CADRE
www.directionservice.org/cadre/continuum.cfm
When a student’s special education planning meeting becomes a stormy process the student’s education is at stake.
A trusted mediation system can solve that problem.
Parties who request mediation are often in a highly emotional state and distrust is rampant.
In Minnesota last year, calmer waters prevailed in 91% of the mediation cases and relationships usually improved.
Trust in the state ADR system increases confidence and cooperation.
How trusted is your state’s ADR system?
Minnesota believes a trusted system is developed in four ways.

- Stake-holder involvement
- Transparency
- Competency
- Feedback loop
Building trust in a system.

- Stake-holder involvement
- Transparency
- Proficiency
- Feedback loop
MNSEMS has a history of stakeholder involvement to design and improve its service.
The PACER Center was formed in 1977 with one project: Parents Helping Parents. It now has over 30 projects. It is Minnesota’s Parent Information and Training Center.
PACER’s role as a stakeholder has been particularly valuable.

- 15 years of funding
- all disabilities
- statewide
PACER increases parents’ knowledge of their rights and responsibilities through individual assistance.

- phone
- record reviews
- e-mail
PACER also works in-person with parents.
And through state-wide training.
PACER’s website resources are highly usable and varied. The graphics make it enjoyable and it is translated into Hmong, Spanish and Somali.
MNSEMS keeps data from all of the ADR participants and produces detailed annual reports which MDE shares with all of its stakeholders.
Evaluations
What are some other ways to continue stakeholders’ involvement in a state ADR system?
Building trust in a system.

- Stake-holder involvement
- Transparency
- Proficiency
- Feedback loop
We believe our system needs to be transparent to all.
A transparent process adds to parties’ confidence in participation.

- Conflict Arises
- Request for Mediation
- Parties Agree to Mediate
- Identify Participants
A transparent process adds to parties’ confidence in participation.

1. Conflict Arises
2. Request for Mediation
3. Parties Agree to Mediate
4. Identify Participants
5. Schedule Meeting
6. Assign Mediator
7. Choose Location
8. Confirmation
A transparent process adds to parties’ confidence in participation.
What examples do you have of the transparency of your state’s ADR system?
Building trust in a system.

- Stake-holder involvement
- Transparency
- **Proficiency**
- Feedback loop
The coordinator and mediators share their optimism in a positive outcome.
MNSEMS contracts with skilled mediators.
MDE makes every attempt to ensure implementation of the agreement.
What has been the most successful technique your state has used to ensure the proficiency of your system?
Building trust in a system.

- Stake-holder involvement
- Transparency
- Proficiency
- Feedback loop
Parties complete an online survey just after the session and two months following.
Evaluations reveal that parties consider MNSEMS staff encouraging and neutral.
Mediators learn the efficacy of their interventions.
Reasons for Agreement:

Forum for Discussion Provided

Desire to Reach Agreement

Advocate Influence

Issues/ Facts Clarified

Outcome Data from MDE
Outcome Data from PACER

Did the PACER Advocate help you understand what to expect, help you clarify and prioritize the issues?

97% YES (9/06 – present)
Did the PACER Advocate demonstrate effective skills for resolving disagreements with your child’s school team?

97% YES (9/06 – present)
Parties’ suggestions improve our mediation system.
Parties’ reasons for requesting mediation inform MDE’s training plan for districts.
What are some examples of how stakeholder evaluations changed your state’s system?
Minnesota believes a trusted system is developed in four ways:

- Stake-holder involvement
- Transparency
- Competency
- Feedback loop
What are the next steps you would recommend for increasing trust in your state’s ADR system?
Like ours, your states’ conflicts may be challenging!
Trust in the state ADR system increases confidence, cooperation, and success.
All states can increase trust in their ADR systems.
A trusted ADR system is a vital resource. It bolsters teams that are shaky and helps members re-establish a working relationship.

It changes outcomes for students…
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